

JUDGE COTE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

13 CIV 6142

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LUIS RAMOS,

Plaintiff,

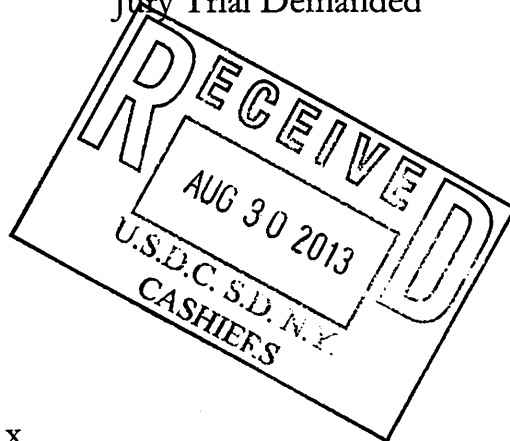
-against-

Detective THOMAS WOOD, Shield No. 7089;
Detective CARLOS LOZADA, Shield No. 1174;
and JOHN and JANE DOE 1 through 10,
individually and in their official capacities (the
names John and Jane Doe being fictitious, as the
true names are presently unknown),

Defendants.
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COMPLAINT

Jury Trial Demanded



NATURE OF THE ACTION

1. This is an action to recover money damages arising out of the violation of plaintiff's rights under the Constitution.

JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States.

3. The jurisdiction of this Court is predicated upon 28 U.S.C. §§ 1331 and 1343.

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 (b) and (c).

JURY DEMAND

5. Plaintiff demands a trial by jury in this action.

PARTIES

6. Plaintiff Luis Ramos (“plaintiff” or “Mr. Ramos”) is a resident of Bronx County in the City and State of New York.

7. Defendant Detective Thomas Wood, Shield No. 7089 (“Wood”), at all times relevant herein, was an officer, employee and agent of the NYPD. Defendant Wood is sued in his individual and official capacities.

8. Defendant Detective Carlos Lozada, Shield No. 1174 (“Lozada”), at all times relevant herein, was an officer, employee and agent of the NYPD. Defendant Lozada is sued in his individual and official capacities.

9. At all times relevant defendants John and Jane Doe 1 through 10 were police officers, detectives or supervisors employed by the NYPD. Plaintiff does not know the real names and shield numbers of defendants John and Jane Doe 1 through 10.

10. At all times relevant herein, defendants John and Jane Doe 1 through 10 were acting as agents, servants and employees of the City of New York and the NYPD. Defendants John and Jane Doe 1 through 10 are sued in their individual and official capacities.

11. At all times relevant herein, all individual defendants were acting under color of state law.

STATEMENT OF FACTS

12. At approximately 1:30 p.m. on July 2, 2013, Mr. Ramos was lawfully operating an automobile in the vicinity of Webster Avenue and Bedford Park Boulevard in Bronx, New York.

13. The defendant officers pulled over the vehicle without probable cause or reasonable suspicion to believe any crime or offense had been committed.

14. Mr. Ramos was unlawfully searched and no contraband was recovered from him.

15. Even though the defendant officers knew that Mr. Ramos had committed no crime or offense and they lacked probable cause, they handcuffed and falsely arrested him.

16. The officers put Mr. Ramos inside a van and handcuffed him to the inside of the van.

17. The officers did not put a seatbelt on Mr. Ramos.

18. For the next approximately four hours, the officers drove around in the van, often at high rates of speed, causing Mr. Ramos to careen around the inside of the van and suffer injury.

19. Mr. Ramos requested medical treatment for his injuries, but the officers

refused to provide medical care.

20. Mr. Ramos was taken to the precinct and subjected to an unlawful search.

21. Again, no contraband was recovered from Mr. Ramos.

22. At the precinct the officers falsely informed employees of the Bronx County District Attorney's Office that they had observed Mr. Ramos involved in the sale of a controlled substance and prepared false paperwork to that effect, including an arrest report.

23. At no point did the officers observe Mr. Ramos participate in the sale of a controlled substance or commit any crime or offense.

24. Mr. Ramos was then taken to Bronx Central Booking.

25. After spending over 24 hours in custody, Mr. Ramos was released without seeing a judge.

26. Upon information and belief, the District Attorney declined to prosecute Mr. Ramos.

27. Mr. Ramos suffered damage as a result of defendants' actions. Plaintiff was deprived of his liberty, suffered emotional distress, mental anguish, fear, pain, bodily injury, anxiety, embarrassment, humiliation and damage to his reputation.

FIRST CLAIM
Unlawful Stop and Search

28. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

29. Defendants violated the Fourth and Fourteenth Amendments because they stopped and searched plaintiff without reasonable suspicion.

30. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages herein before alleged.

SECOND CLAIM
False Arrest

31. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

32. Defendants violated the Fourth and Fourteenth Amendments because they arrested plaintiff without probable cause.

33. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

THIRD CLAIM
Unreasonable Force

34. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

35. The defendants violated the Fourth and Fourteenth Amendments because they used unreasonable force on plaintiff.

36. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

FOURTH CLAIM
Denial Of Constitutional Right To Fair Trial

37. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

38. The individual defendants created false evidence against plaintiff.

39. The individual defendants forwarded false evidence to prosecutors in the Bronx County District Attorney's office.

40. In creating false evidence against plaintiff, and in forwarding false information to prosecutors, the individual defendants violated plaintiff's right to a fair trial under the Due Process Clause of the Fifth, Sixth and Fourteenth Amendments of the United States Constitution.

41. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

FIFTH CLAIM

Deliberate Indifference to Safety and Medical Needs

42. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

43. The individual defendants were aware of a risk to plaintiff's safety and a need for medical care and failed to act in deliberate indifference to plaintiff's needs.

44. Accordingly, defendants violated the Fourteenth Amendment because they acted with deliberate indifference to plaintiff's medical needs and safety.

45. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

SIXTH CLAIM

Failure To Intervene

46. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

47. Those defendants that were present but did not actively participate in the aforementioned unlawful conduct observed such conduct, had an opportunity prevent such conduct, had a duty to intervene and prevent such conduct and failed to intervene.

48. Accordingly, the defendants who failed to intervene violated the Fourth, Fifth, Sixth and Fourteenth Amendments.

49. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully requests judgment against defendants as follows:

- (a) Compensatory damages against all defendants, jointly and severally;
- (b) Punitive damages against the individual defendants, jointly and severally;
- (c) Reasonable attorneys' fees and costs pursuant to 28 U.S.C. § 1988; and
- (d) Such other and further relief as this Court deems just and proper.

DATED: August 30, 2013
New York, New York

HARVIS WRIGHT
SALEEM & FETT LLP

Gabriel Harvis
305 Broadway, 14th Floor
New York, New York 10007
(212) 323-6880
gharvis@hwsflegal.com

Attorneys for plaintiff